

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CITY OF HUNTINGTON,

Plaintiff,

Civil Action No. 3:17-01362

v.

**AMERISOURCEBERGEN DRUG
CORPORATION, et. al,**

Defendants.

AND

CABELL COUNTY COMMISSION,

Plaintiff,

Civil Action No. 3:17-01665

v.

**AMERISOURCEBERGEN DRUG
CORPORATION, et. al,**

Defendants.

**WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE AGENCY’S MOTION TO
QUASH SUBPOENA TO PRODUCE DOCUMENTS AND SUBPOENA TO PROVIDE
DEPOSITION TESTIMONY**

West Virginia Public Employees Insurance Agency (“PEIA”) files this Motion to Quash two subpoenas issued on March 17, 2020, on behalf of McKesson Corporation. PEIA specifically moves to quash the “Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action” and “Subpoena to Testify at a Deposition in a Civil Action.” Copies of the subpoenas are attached hereto as Exhibits A and B. The arbitrary requested response date for both subpoenas is March 31, 2020.

PEIA seeks to quash Defendant McKesson's subpoenas because they fail to allow PEIA a reasonable time to comply pursuant to Rule 45(d)(3) of the Federal Rules of Civil Procedure. Additionally, the broad scope of the subpoenas would render compliance unduly burdensome and the subpoenas seek information that is statutorily confidential. *See* Exhibit C, Affidavit of Thomas D. Miller. As it pertains to the subpoena for a deposition, PEIA additionally moves for a stay of the March 31, 2020 deposition for the reasons stated above in addition to social distancing and public health concerns related to the Covid-19 pandemic.

In the alternative, PEIA moves this Court to modify the subpoena in a manner that will allow reasonable time for compliance and for a reasonable scope.

Therefore, PEIA respectfully requests that its Motion to Quash both subpoenas served upon it by McKesson Corporation be granted.

A proposed Order is attached.

DATED: March 30, 2020

Respectfully submitted,

**WEST VIRGINIA PUBLIC EMPLOYEES
INSURANCE AGENCY**

By Counsel,

**PATRICK MORRISEY
ATTORNEY GENERAL**

/s/Andrew L. Ellis

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CERTIFICATE OF SERVICE

I, Andrew L. Ellis, Assistant Attorney General, do hereby certify that on March 30, 2020, the foregoing “West Virginia Public Employees Insurance Agency’s Motion to Quash Defendant’s Subpoena to Produce Documents and Subpoena to Testify” was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to parties and counsel of record.

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/s/Andrew L. Ellis

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